



University
of Phoenix®

Campus Safety Policies

Dating Violence, Domestic
Violence, Sexual Assault,
and Stalking Prevention and
Awareness



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Policy Scope

University of Phoenix (UOPX or the University) abides by the Jeanne Clery Campus Safety Act (20 U.S.C. § 1092(f)), or “Clery Act,” as amended by the Violence Against Women Reauthorization Act of 2022 (VAWA) in addition to Title IX of the Education Amendments of 1972, which prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking (i.e., “VAWA offenses”). This policy applies to VAWA offenses which may or may not occur within the University’s defined Clery Act geography. When a student or employee reports they have been a victim of a VAWA offense, the University is obligated to respond regardless of whether the offense occurred on or off campus.

Intersections of VAWA and Title IX

While UOPX policies may use different standards and definitions than state law, sex- and gender-based incidents often overlap with the VAWA offenses. Acts of violence and harassment based on sex or gender, including sexual orientation, gender identity, and gender expression, may also constitute crimes. VAWA offenses are a form of sexual harassment prohibited by Title IX and UOPX policy. The [Equal Opportunity, Harassment, and Nondiscrimination Policy](https://www.phoenix.edu/content/dam/edu/about/doc/equal-opportunity-harassment-and-nondiscrimination-policy.pdf) may be viewed in its entirety at: <https://www.phoenix.edu/content/dam/edu/about/doc/equal-opportunity-harassment-and-nondiscrimination-policy.pdf>.

UOPX does not discriminate on the basis of sex in the education programs or activities that it operates as required by Title IX and its regulations and other federal, state, and local civil rights laws, including in admissions and employment. Inquiries about Title IX may be referred to the [Title IX Coordinator](#), to the [Assistant Secretary of Education](#) at the U.S. Department of Education’s Office for Civil Rights, or both.

Individuals who believe they have experienced discrimination, harassment, and/or retaliation should contact the Title IX Coordinator at TIXC@phoenix.edu.

No officer, employee, or agent of UOPX shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under [Title IX](#) or the VAWA amendments under the Clery Act.

UOPX regards all forms of or attempts at sexual violence or misconduct as serious offenses that may result in suspension, expulsion, or termination of employment.

Reporting VAWA Offenses

UOPX strongly encourages reporting of sex- and gender-based discrimination, harassment, and violence, including the VAWA offenses, regardless of where an incident occurs or whether the person reporting is the victim of the prohibited conduct. Reports can be made in person, by mail, by telephone, or by electronic mail. Reporting may be made at any time. Individuals are encouraged to:

- Get to a safe place
- Dial **9-1-1**, if in immediate danger or seriously injured
- Access support services provided by the University



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- Report incidents to:
 - The Title IX Coordinator at TIXC@phoenix.edu
 - The Title IX Office at TitleIX.VAWA@phoenix.edu
 - The Security Operations Center (SOC) at (866) 992-3301 or SOC@phoenix.edu
 - The Clery Compliance Officer at (602) 412-9253 or Jessica.Flores@phoenix.edu
 - Any [Campus Security Authority](#) (CSA)
 - The [Ethics Helpline](http://UOPXhelpline.com) at (888) 310-9569 or <http://UOPXhelpline.com>

Note: Refer to the Safety and Security section of the [Campus Safety Policies](#) for a complete list of CSAs.

Those providing a disclosure will receive resources and support from the University. The following rights and options may also be exercised, if desired, and are encouraged:

- Accurately and promptly report offenses to local law enforcement, campus safety personnel, and health officials
- Seek medical treatment as soon as possible and preserve evidence that may assist in obtaining an order of protection or prove an offense occurred
- Receive appropriate counseling referral information
- Receive information on services for health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and transportation
- Complete a crime report
- Request a change in academic or work situations (e.g., student's course schedule; employee's work environment), if reasonably available
- Apply for judicial no-contact, restraining, or protective orders
- If applicable, have an advisor of your choice to accompany and assist during an institutional disciplinary proceeding
- If applicable, receive the outcome of any institutional disciplinary proceeding that is brought alleging any crime of violence or a non-forcible sex offense
 - If the alleged victim is deceased as a result of the crime or offense, the institution must provide the results of the disciplinary hearing to the victim's next of kin, if so requested

To request these options and assistance, please contact the Title IX Coordinator. UOPX does not provide assistance related to changing living situations because it does not provide student housing. Security personnel will provide an onsite safety escort service within the confines of the local campus and to/from the parking facility, if requested.

The Phoenix Main Campus has personal safety and sexual assault prevention and awareness programs in place and follows established procedures for reporting violations of UOPX policy and federal and state laws, including contacting local law enforcement and assisting alleged victims.



Confidentiality

UOPX strives to protect the confidentiality and privacy of victims and other necessary parties. UOPX will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information (PII) about the victim. Further, UOPX will maintain as confidential any accommodations or protective measures provided to individuals, to the extent that maintaining such confidentiality would not impair the University's ability to provide them. For those incidents processed under the [University's Title IX policy](#), every effort is made by the University to protect the privacy of any complainant, respondent, and other necessary parties and witnesses to the maximum extent possible. The University will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of its grievance procedures. Information obtained through the course of a Title IX investigation may be shared with law enforcement, if requested. Reports relating to criminal activity at the Phoenix Main Campus or within the University's defined Clery Act geography will be communicated to a CSA for purposes of Clery Act reporting.

For other types of incidents that may constitute crimes (e.g., aggravated assault, burglary, etc.) any person who does not want to pursue action within the UOPX disciplinary system, or the criminal justice system, is nevertheless encouraged to make a report through the [Ethics Helpline](#) at (888) 310-9569 or <http://www.UOPXhelpline.com>. Upon the reporter's request, a report of the details of the incident can be filed with UOPX without revealing the reporter's identity. Such confidential reports help UOPX take appropriate steps to ensure the safety of the campus community. With such information, UOPX can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing, and alert the community to any potential danger. These confidential reports may be counted and disclosed in the annual crime statistics.

UOPX operates educational training facilities known as Counseling Skills Centers, which model mental health clinics and offer complimentary services to members of the University and local community who are residents in Arizona or California. The center is staffed by counseling graduate students who work under the direct supervision of licensed, experienced professionals. Individuals seeking professional counseling through the University's Counseling Skills Centers will have their information kept in confidence. Even if an individual gives the counselor permission to release their identity, the counselor may only report the occurrence of the event itself to be included in the annual crime statistics, unless otherwise required by law.

Mandated Reporters Under Title IX

Pursuant to the University's [Equal Opportunity, Harassment, and Nondiscrimination Policy](#), when an employee becomes aware of alleged harassment or discrimination the employee must report that information to the Title IX Coordinator. All UOPX employees are mandated reporters who are obligated to report actual or suspected harassment or discrimination which they become aware of and must promptly share all known details of a report made to them in the course of their employment, including the identities of both parties involved, with the Title IX Coordinator.



Importance of Preserving Evidence

Preserving evidence is important as it may be useful in obtaining a protection order or in proceeding with a criminal investigation. Text messages, records of phone calls, emails, pictures, notes, and gifts can all be pertinent to an investigation.

After a sexual assault, specifically, it is very important that the victim receive medical attention to treat any possible injuries and to screen for sexually transmitted infection (STI) and/or pregnancy. It is also strongly recommended for the victim to have a sexual assault forensic exam, sometimes called a “rape kit.” Forensic exams are available to victims free of charge. During this exam, someone specially trained to perform this exam, such as a Sexual Assault Nurse Examiner (SANE), will collect DNA¹ evidence that can help identify the perpetrator. The victim does not have to agree to a forensic exam to receive treatment but doing so may give them a stronger case against the perpetrator if they decide to report the crime to local authorities. Agreeing to a forensic exam does not require the victim to subsequently file a police report.

Preserving DNA evidence from an assault is important. Even if the victim does not wish to file a police report immediately or is certain they will not prosecute, preserving DNA evidence allows the victim to change their mind later. DNA evidence may also prevent future sexual assaults from occurring. Even if the perpetrator is not prosecuted, their DNA may be added to the national database (CODIS²), making it easier to connect the perpetrator to a future crime.

Victims should try to avoid activities that could potentially damage evidence such as:

- Bathing
- Showering
- Using the restroom
- Changing or discarding clothes
- Combing hair
- Cleaning the area of the assault

If a victim has done any of the above activities, they can still have a sexual assault forensic exam performed. The victim may want to bring a spare change of clothes to the hospital or health facility where the exam is going to be performed. In most cases, DNA evidence needs to be collected within 72 hours to be analyzed by a crime lab – but a sexual assault forensic exam can reveal other forms of evidence beyond this timeframe that can be useful if the victim decides to report. Place belongings, including the clothes worn, in a **paper bag** to safely preserve evidence.

To find a location near you that performs sexual assault forensic exams, you may call the National Sexual Assault Hotline at (800) 656-HOPE (4673) or talk to your local sexual assault service provider by

¹ Deoxyribonucleic acid; carrier of genetic information

² Combined DNA Index System



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visiting <https://centers.rainn.org/>. Sexual assault service providers can also offer information and resources for ongoing support related to sexual violence.

For those in the Phoenix area, an exam can be obtained at:

HonorHealth Forensic Nursing Services
10225 E. Vía Linda
Scottsdale, AZ 85258
(480) 312-6340

The Clery Compliance Officer will review, on an annual basis, the preservation of evidence tips to ensure they meet the current needs of law enforcement and abilities of forensic science.

Available Victim Services

UOPX urges victims of VAWA offenses to seek counseling promptly. UOPX provides written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available, both within UOPX and nationally. Upon request, UOPX can assist with providing local resources in the surrounding community.

University Resources

Student Resources: Various services are available to all currently enrolled students via the [Life Resource Center](#), directly accessible from the [MyPhoenix](#) student website in the “Academic Plan” section under “Self Service.” The Life Resource Center offers services that are confidential and free to students by calling (844) 492-0546, texting “Hi” to (650) 825-9634, or through the Uprise Health app (download the [iPhone app here](#) or the [Android version here](#) and use code UOPXSAP to create an account). Services include, but are not limited to:

- Up to three free counseling sessions per incident per year
- Up to 10 free online support group sessions for issues including addiction recovery, anxiety, depression, grief/loss, parenting, and more
- Unlimited financial coaching offers guidance on money management, budgeting, housing, credit, debt counseling, and community resources
- My Stress tools help to identify the causes of stress and provide guidance for achieving health and well-being

Staff Resources: An Employee Assistance Program (EAP) administered by [Uprise Health](#) is a company-paid benefit that supports staff and their families. Information about the EAP is available 24/7. This benefit provides confidential counseling, online peer support groups, as well as work-life resources such as financial help, legal services, adult and elder care, and more. Call Uprise Health at (800) 395-1616 anytime – 24 hours a day, seven days a week – for assistance, visit <https://uopx.uprisehealth.com/> (enter access code UOPX), or by going to the HR Portal, My Life Live



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Well: Benefits site on PhoenixView. Staff enrolled in medical coverage should check their health plan for substance abuse benefits, including outpatient and inpatient services, through contracted providers.

A mental wellness benefit, Headspace, is another company-paid benefit for staff and their dependents age 13 and older. Headspace is an emotional support app that provides you with the right level of emotional support at the right time, through coaching via text-based chats, self-guided activities, and video therapy and psychiatry – all from the privacy of your smartphone. Headspace coaches are available 24/7 and all your conversations are completely confidential. To get started, download the Headspace mobile app at the [Google Play](#) or [Apple Store](#) marketplaces. In the app, tap "Get Started", select My Organization, enter in University of Phoenix, and then enter in your work email and follow the instructions sent to your inbox.

[LifeGuides](#) is a benefit that includes confidential support for staff and their family members (18+). Connect with a Guide who has experienced similar life events for personal or professional support. Visit [LifeGuides](#) to learn more or schedule a session.

Faculty Resources: An Employee Assistance Program (EAP) administered by [Uprise Health](#) is a company-paid benefit that supports faculty and their families. Information about the EAP is available 24/7. This benefit provides confidential counseling, online peer support groups, as well as work-life resources such as financial help, legal services, adult and elder care, and more. Call Uprise Health at (800) 395-1616 anytime – 24 hours a day, seven days a week – for assistance or visit <https://uopx.uprisehealth.com/> (enter access code UOPX). Additional resources can be found by visiting [Faculty Mental Wellness page](#) on PhoenixView Faculty. Faculty enrolled in medical coverage should check with their health plan for substance abuse benefits, including outpatient and inpatient services, through contracted providers.

Student Financial Aid: Sometimes a victim of a crime may feel the need to take a leave of absence from school, and they should understand there may be financial aid implications in taking such leave. This should be discussed with the University's [Student Financial Services](#) department at (888) 346-8679 and [Student Services](#) department at (800) 366-9699, and the Title IX Coordinator can assist in facilitating this conversation if desired. Additional information on student financial aid is available at [Finaid](#) and [Fastweb](#).

National Resources

- [National Domestic Violence Hotline](#): (800) 799-7233
- [RAINN's National Sexual Assault Hotline](#): (800) 656-4673
- [loveisrespect](#): (866) 331-9474
- [Lumina Alliance](#) (survivors with disabilities): (805) 545-8888
- [Deaf Hotline](#) (ASL accessible): (855) 812-1001
- [Anti-Violence Project](#): (212) 714-1141
- [Forge-forward](#): (414) 559-2123
- [Trans Lifeline](#): (877) 565-8860
- [LGBT National Help Center](#): (888) 843-4564



- [Esperanza United](#): (651) 772-1611
- [Fierberg National Law Group](#): (866) 628-5291
- [WomensLaw Email Hotline](#)
- [U.S. Citizenship and Immigration Services](#)
- [Immigration Advocates Network](#)

State/Local Resources – Arizona

- Central Arizona Crisis Hotline (602) 222-9444
- Arizona Victim Services (602) 542-1853
- Arizona Crime Victim Rights Law Group (480) 946-0832
- [HonorHealth Forensic Nursing Services](#) (480) 312-6340
- [HonorHealth Tempe Medical Center](#) (480) 784-5500

Registered Sex Offenders

The [UOPX Campus Safety](#) website at <https://www.phoenix.edu/about/campus-safety.html> provides a link to the [National Sex Offender Public Website](#) at <http://www.nsopw.gov>. Sex offenders who are required to register in a state must provide notice to each institution of higher education in that state at which the offender is employed or is a student. This notice should be directed to the [Clery Compliance Officer](#) or the [SOC](#).

The Campus Sex Crimes Prevention Act of 2000 provides minimum national standards for state sex offender registration and community notification programs. This act requires the state agencies to obtain information concerning registered sex offenders' enrollment or employment at institutions of higher education. To access this information for the state of Arizona, visit <https://www.azdps.gov/services/public-services-center/sex-offender-compliance>.

Reporting Convicted Sex Offenders

Any UOPX employee who receives a student or employee disclosure of their sex offender status should notify the [Clery Compliance Officer](#) (602) 412-9253 or the [SOC](#) (866) 992-3301.

Prevention and Awareness Programs

UOPX conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees, and an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. The PPAP advises campus community members that UOPX prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking. The campus community is also informed of the topics discussed below, including relevant definitions as well as information on risk reduction and bystander intervention. The OPAC covers the same material as provided in the PPAP but is intended to increase understanding of these topics and to improve skills for addressing the VAWA offenses.



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The PPAP and the OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targets specific audiences throughout the UOPX community. Methods include, but are not limited to, presentations, online training modules, distribution of written materials, periodic email blasts, and guest speakers. A summary of this programming is provided below.

- **Title IX Training** for students, faculty, and staff. Faculty and staff are informed of employee requirements to help keep the UOPX community safe and free from discrimination including sexual harassment and the VAWA offenses. Students are provided with contact and reporting information.
- **Employee Sexual Harassment Awareness Training** and **Title IX for Higher Education Training** must be completed by all new employees upon hire (within 30 days). Once hired, all employees must complete Employee Sexual Harassment Awareness training on a biennial basis.
- The **Campus Safety: Awareness, Prevention, and Action** online course is always available to staff via the Learning Marketplace and must be completed by all new staff upon hire (within 30 days). This course discusses key information on environmental, medical, and criminal risks.
- **Sexual Assault Prevention and Awareness Training** is an annual virtual offering to all students, faculty, and staff. Students have [access to this training](#) from the Policy and Compliance link on [MyPhoenix](#). This training includes:
 - The definitions of the VAWA offenses and the definition of consent in reference to sexual activity
 - The stance that UOPX prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking
 - Information on risk reduction and safe and positive options for bystander intervention (e.g., the three Ds of active bystander intervention: direct, distract, delegate)
 - Resources for survivors
 - Information on how alcohol and drug use could impact the risk of sexual assault
- **Student Resource:** UOPX offers resources and counseling services to all currently enrolled students via the Life Resource Center, directly accessible from MyPhoenix. The Life Resource Center offers services that are free, confidential, available 24/7/365, and accessible by calling (844) 492-0546.
- **Faculty and Staff Resource:** UOPX provides an Employee Assistance Program (EAP) administered by Uprise Health as an employee benefit. All employees have access to the EAP whether they obtain other benefits through UOPX. Information about the [EAP](#) is available at all times at <https://uopx.uprisehealth.com/> (enter access code UOPX) or by calling (800) 395-1616. This benefit provides referral services and treatment sessions as needed. Calls and online inquiries are tracked by category. Employees enrolled in health care plans can obtain added substance abuse benefits, including outpatient and inpatient services through providers contracted with their health care plan.
- **Denim Day Messaging:** For the last Wednesday in April in honor of Sexual Violence Awareness Month, UOPX prepares a message of awareness and solidarity. Through additional virtual engagement strategies, students, faculty, and staff are encouraged to wear jeans on this day to support survivors and promote awareness of sexual violence.
- **Relationship Abuse Prevention and Awareness Workshops:** The Clery Compliance Officer has worked with the Clery Center and One Love Foundation to bring film-based workshops which



highlight the warning signs of relationship abuse. Participants will understand the difference between healthy and unhealthy relationship behaviors and learn ways to safely intervene to help a friend. These are annual events and are also available upon request.

- **Digital Campaigns and Additional Educational Programs:** Emails and articles provide awareness of various important topics such as sexual assault, personal safety, theft, incidents, and alcohol and drug abuse prevention. UOPX community members may contact the Clery Compliance Officer to learn about additional educational programs related to these topics.
- **Security Escort Service:** Security personnel will provide an onsite safety escort service within the confines of the Phoenix Main Campus and to/from the parking facility, if requested.
- **Persona Non Grata:** A trespass notice may be issued to individuals who have violated UOPX policy or who have demonstrated that they present a threat to anyone in the campus community. Violators can be arrested for trespassing.

Bystander Intervention

Bystander intervention includes safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. As a bystander, you can help prevent such harm by using safe and positive options. Stepping in can make all the difference, but it should never put your own safety at risk. If you find yourself in a situation where someone looks uncomfortable or something does not seem right, consider the **three Ds of active bystander intervention**: 1) Direct, 2) Distract, 3) Delegate.

Direct – Step in and voice your opinion. For example, call out inappropriate behavior or ask if someone is okay.

Distract – Disrupt the interaction by creating a diversion. For example, ask a random question (e.g., Where's the bathroom?) or provide a random comment (e.g., I love the color of your shirt).

Delegate – Recruit others for help with the situation. For example, ask friends for help, inform campus resources, or call the police.

Risk Reduction

Risk reduction includes strategies designed to promote safety and decrease incidents of violence and bystander inaction. As bystanders, stepping in is not always easy but can have a big impact. UOPX strives to have a cohesive network of students, faculty, and staff that look out for each other, which ultimately creates a safer community for all.

The following suggestions may help foster a safer community. If you find yourself in an uncomfortable situation, these suggestions may also help to reduce your risk:

- Know your resources.
 - Determine who you should contact and where you should go if you or a friend needs help.
 - Notice where emergency phones are located and program the Security Operations Center (SOC) number, (866) 992-3301, into your cell phone.



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- Stay alert and aware of your surroundings. Avoid putting headphones in both ears or looking down to focus on your cell phone, especially when walking alone.
- Be careful about posting your location on social media.
- Make others earn your trust and make your limits known ahead of time.
- Consider back-up plans. Think about what you would need to do in various sticky situations such as if your phone dies, if your car runs out of gas, or if you become stranded without any cash or credit cards.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of an aggressor. Be as direct as possible about wanting to leave the environment.
- Locate someone nearby and ask them for help.
- Attend events with friends you trust. Watch out for your friends and ask that they watch out for you. Show up together and leave together. If plans change, discuss with the group. Do not leave a friend stranded in an unfamiliar or unsafe situation.

Technology may also aid with preventing violence before it happens:

- **myPlan App** – [myPlan](https://myplanapp.org/) is a free app for iPhone and Android created to help people with safety decisions if they, or someone they care about, is experiencing abuse in their intimate relationship. myPlan is for everyone and can help identify, navigate, and provide resources for a range of relationship abuse concerns. For more information, visit <https://myplanapp.org/>.

Everyone should keep the following in mind before engaging in sexual behavior:

- Remember that you owe sexual respect to the other person.
- Don’t make assumptions about the other person’s consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions and obtain consent before proceeding.
- “Mixed messages” may be a sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don’t take advantage of someone who is intoxicated or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
 - Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include past abuse, threats of abuse or violence, breaking objects, using force during an argument, jealousy,



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controlling behavior, quick involvement, unrealistic expectations, isolation, blaming others for problems, hypersensitivity, cruelty to animals or children, “playful” use of force during sex, and Jekyll-and-Hyde personality.

Become familiar with some of the warning signs and red flags of abusive relationships:

- Telling you that you can never do anything right
- Showing extreme jealousy of your friends and time spent away
- Keeping you or discouraging you from seeing friends or family members
- Insulting, demeaning, or shaming you
- Controlling all household funds and all money spent
- Taking your money or refusing to give you money for necessary expenses
- Looking at you or acting in ways that scare you
- Controlling who you see, where you go, or what you do
- Telling you that you are a bad parent or threatening to harm or take away your children
- Preventing you from working or attending school
- Destroying your property or threatening to hurt or kill your pets
- Intimidating you with guns, knives, or other weapons
- Pressuring you to have sex when you don’t want to or do things you’re not comfortable with
- Pressuring you to use drugs or alcohol
- Punishing you by withholding affection

Protective Measures and Accommodations

The University has procedures for reviewing and responding to VAWA disclosures that did not occur within the University’s Clery Act geography or Title IX jurisdiction. The Clery Compliance Officer, in partnership with the Title IX Office, manages, maintains, and implements these procedures. Upon notice of a VAWA disclosure, UOPX provides written notification to victims about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available both within the University and in the community. Additionally, the Title IX Office will review options for or available assistance in a range of protective measures such as changes to academic, living, transportation, and working situations; referrals to applicable assistance programs; placing restrictions on contact applied to one or more parties involved; security escorts; increased security and monitoring of certain areas; and other similar measures. If such modifications to policies, practices, or procedures are requested and they are reasonably available, UOPX is obligated to provide them, regardless of whether a report is made to campus security or local law enforcement. UOPX does not provide assistance related to changing living situations because it does not provide student housing.

Protective measures and accommodations should minimize the burden of those involved. Factors that might be considered during the review process include, but are not limited to, the specific needs



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expressed by those involved, the ages of the individuals involved, the severity and pervasiveness of the offense(s), any continuing effects on those involved, whether those involved share the same class or job location, and whether judicial measures have been taken (e.g., civil protection orders).

While the University will maintain as confidential any protective measures and accommodations provided to the extent that maintaining such confidentiality would not impair the University's ability to provide them, there may be times when certain information must be disclosed to implement the protective measure or accommodation. University decisions to disclose certain information will be made considering the circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the protective measure or accommodation is provided. In the event a disclosure is necessary, the University will inform the relevant party of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared, and why.

The University's Title IX Coordinator will discuss the availability of protective measures and accommodations and protective measures if requested and if they are reasonably available, regardless of whether the incident is reported to authorities and irrespective of whether an individual pursues a formal complaint through the grievance process. The Title IX Coordinator or Title IX Office can assist with providing notice and information to proper law enforcement if so desired.

Note: Questions regarding protective measures and accommodations should be directed to the Title IX Coordinator at TIXC@phoenix.edu.

Procedures for Disciplinary Action

Investigation Procedures and Protocols

Allegations of domestic violence, dating violence, sexual assault, or stalking within the University's jurisdiction are resolved under the [University's Equal Opportunity, Harassment, and Nondiscrimination Policy](#) and are subject to the disciplinary proceedings therein. Please view this policy for details regarding investigative procedures and protocols. All students, faculty, and staff are subject to this policy. Upon receipt of a report, the Title IX Coordinator determines jurisdiction and which processes apply.

The University's procedures for disciplinary action in cases of alleged VAWA offenses are provided in writing and acknowledged by students in the Academic Catalog. Further, rights and options are provided to involved parties upon disclosure of an allegation. Only incidents falling within the Title IX definition of sexual harassment will be subject to the Title IX Formal Grievance Process. An informal resolution process may only be used if certain criteria are met.

Informal Resolution

Parties are not required to participate in the Informal Resolution process, and this process may only be used if a formal complaint is filed. Any party participating in Informal Resolution can stop the process at any time and begin or resume the Title IX Formal Grievance Process. Informal Resolution may be used with the voluntary, written consent of both parties:



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- When the Respondent accepts responsibility for violating policy and wants to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter by providing protective measures to remedy the situation.

Prior to implementing Informal Resolution, both parties will be provided with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process. If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator accepts the Respondent's admission of responsibility and promptly implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary. The result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution.

Informal Resolution is not available to resolve allegations that an employee sexually harassed a student.

Formal Grievance Process

Once a formal complaint of alleged domestic violence, dating violence, sexual assault, or stalking is made, the Title IX Coordinator will provide a Notice of Allegations as soon as practicable to both parties, including the identities of the parties (if known), the precise misconduct being alleged, the date and location of the alleged incident(s) (if known), the specific policies implicated, a description of the applicable procedures, a statement that UOPX presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination, a statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period, and a statement that the parties may have an advisor of their choice (who may be, but is not required to be, an attorney).

Through the investigation process, all parties have a full and fair opportunity to suggest witnesses and questions, to provide evidence and expert witnesses, and to review and respond to all evidence on the record.

Once a final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a live hearing and select an appropriate decision-maker. At the hearing, the decision maker has the authority to hear and make determinations on all allegations.

A Notice of Outcome will be shared simultaneously in writing with both parties.

Either party may file a Request for Appeal in writing with the Title IX Coordinator within ten (10) days of the delivery of the Notice of Outcome. The non-appealing party will be notified of the appeal and permitted to submit a written statement in response. A three-member Appeals Panel will resolve the appeal within three (3) business days of receiving all relevant documentation.



Rights of the Parties in an Institutional Proceeding

Throughout the processes described in the previous section, both parties are entitled to:

1. A prompt, fair, and impartial process from the initial report to the final outcome.
 - A prompt, fair, and impartial process is one that is:
 - Completed within reasonably prompt timeframes designated by UOPX policy, including extensions of timeframes for good cause, with written notice to the parties of the delay and the reason for the delay.
 - Conducted in a manner that:
 - Is consistent with UOPX policies and transparent to the parties.
 - Includes timely notice of meetings at which the parties may be present; and
 - Provides timely access to the accuser, the accused, and appropriate officials for any information that will be used during the informal and formal disciplinary meetings and hearings.
 - Conducted by officials who do not have a conflict of interest or bias for or against either party.
2. Proceedings conducted by officials who are trained on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process impartially and without bias.
 - Training addresses topics such as the definition of sexual harassment; how to conduct investigations, hearings, and appeals and informal resolutions (as applicable); relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting a proceeding; avoiding actual and perceived conflicts of interest; relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; and basic procedural rules for conducting a proceeding. As mandated by Title IX, all training completed by Title IX Coordinators, Investigators, Decision-makers, Advisors, and the Appeal Panel is posted at https://www.phoenix.edu/about_us/title-ix.html.
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. UOPX may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. A determination based on the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim, and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.
6. Protection against retaliation.



Possible Sanctions

Following a determination of responsibility that a VAWA offense occurred in violation of the [Equal Opportunity, Harassment, and Nondiscrimination Policy](#), the following sanctions may be imposed:

- **Students**

- Warning – A formal statement that the conduct was unacceptable and a warning that further violation of any UOPX policy, procedure, or directive will result in more severe sanctions.
- Suspension – Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met.
- Expulsion – Permanent termination of a student status and revocation of rights to be on campus for any reason or to attend recipient-sponsored events.
- Withholding Diploma – UOPX may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities.
- Revocation of Degree – UOPX reserves the right to revoke a degree previously awarded for violations committed by a student prior to graduation.

- **Part-Time Faculty**

- Warning – A formal statement that the conduct was unacceptable and a warning that further violation of any UOPX policy, procedure, or directive will result in more severe sanctions, including the rescission of active faculty status.
- Implementation of a remediation plan.
- Removal from assigned course(s).
- Restrictions on future teaching assignments.
- Loss of teaching privileges altogether.

- **Staff and Full-Time Faculty**

- Warning – Verbal or written.
- Performance improvement/management process.
- Required training or education.
- Loss of oversight or supervisory responsibility.
- Demotion.
- Suspension with pay (dependent on situation).
- Suspension without pay (dependent on situation).
- Termination.



Appendices

Appendix A: Definitions

Awareness Programs: Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety, and reduce perpetration.

Bystander Intervention: Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes:

- recognizing situations of potential harm;
- understanding institutional structures and cultural conditions that facilitate violence;
- overcoming barriers to intervening;
- identifying safe and effective intervention options; and
- taking action to intervene.

Complainant: The individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class.

Consent: The equal approval, given freely, willingly, and knowingly of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated clearly by words or actions – to engage in mutually accepted sexual contact and can be withdrawn at any time. A person forced to engage in sexual contact by force, threat of force, or coercion has not consented to contact. Lack of mutual consent is the crucial factor in any sexual assault. A person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent. Consent is not given by a person's manner of dress or past sexual activity. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. Consent cannot be given if a person is unable to understand the nature of the activity or is unable to give knowing consent. Consent cannot be given if a person's ability to resist or consent is substantially impaired because of a mental or physical condition, if there is a significant age or perceived power differential, or due to the circumstances. Examples include, but are not limited to being:

- asleep or unconscious;
- underage;
- frightened;
- physically or psychologically pressured or forced;
- intimidated;
- substantially impaired because of a psychological health condition;
- substantially impaired because of voluntary intoxication;
- substantially impaired because of the deceptive administering of any drug, intoxicant, or controlled substance;
- incapacitated due to the use or influence of alcohol or drugs; or
- incapacitated due to a mental disability.

"Without Consent": Includes any of the following:

- The victim is coerced by the immediate use or threatened use of force against a person or property.



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- The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep, or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For purposes of this subdivision, “mental defect” means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.
- The victim is intentionally deceived as to the nature of the act.
- The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed:

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Grievance Process: The non-criminal disciplinary process used to resolve a complaint, including, but not limited to, investigations; formal, informal, or administrative resolution; hearings; and appeals.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or drugs.

Ongoing Prevention and Awareness Campaigns: Programming, initiatives, and strategies that are sustained over time and focus on increasing the understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking using a range of strategies with audiences throughout the institution and including information used to describe primary prevention and awareness programs at the institution.

Personally Identifying Information (PII): As defined in Section 40002(a) of the Violence Against Women Act of 1994, is individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including:

- a first and last name;
- a home or other physical address;
- contact information (including a postal, email, or Internet protocol address, or telephone or facsimile number);



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- a social security number, driver's license number, passport number, or student identification number; and
- any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.

Primary Prevention Programs: Programming, initiatives, and strategies intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking:

Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are:

- culturally relevant;
- inclusive of diverse communities and identities;
- sustainable;
- responsive to community needs;
- informed by research or assessed for value, effectiveness, or outcome; and
- consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Note: Programs to prevent dating violence, domestic violence, sexual assault, and stalking must include primary prevention and awareness programs directed at all incoming students and new employees. Ongoing prevention and awareness campaigns must be directed at all current students and employees.

Protected Class: Race, color, religion, creed, sex, pregnancy (including lactation, childbirth, and related medical conditions), sexual orientation, gender, gender identity or expression, familial or marital status, age (40 or older), physical or mental disability, medical condition (any health impairment related to a diagnosis, record, or history of cancer), genetic information (including testing and characteristics), national origin, ancestry, ethnicity, citizenship, military or veteran status, or any other status or characteristic protected by applicable federal, state, or local law.

Respondent: The individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class.

Outcome: Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

Risk Reduction: Options designed to decrease perpetration and bystander inaction; increase empowerment for victims in order to promote safety; and help individuals and communities address conditions that facilitate violence.

Sexual Assault: defined as:

- **Sex Offenses, Forcible:** Any sexual act directed against another person, without consent of the complainant, including instances where the complainant is incapable of giving consent:



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- **Forcible Rape:** Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object:** To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- **Nonconsensual Sexual Contact:** The intentional touching of clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication.
- **Sex Offenses, Nonforcible:** Nonforcible sexual intercourse.
 - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Sexual Harassment: Unwelcome, sex-based and/or gender-based verbal, non-verbal, written, online and/or physical conduct that satisfies one or more of the following:

- takes the form of quid pro quo harassment,
- creates a hostile environment, or
- is retaliatory.

Sexual Violence: Physical sexual acts attempted or perpetrated against a person's will or when a person is incapable of giving consent.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

For the purposes of this definition:

1. *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
3. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

Title IX Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:



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- An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo).
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.
- Sexual assault (as defined in the Clery Act).
- Dating Violence (as defined under VAWA).
- Domestic Violence (as defined under VAWA).
- Stalking (as defined under VAWA).

VAWA Offenses: Dating violence, domestic violence, sexual assault, and stalking

Appendix B: Arizona Statutes (VAWA Offenses)

Crime Type	Definitions (Arizona Revised Statutes)
Dating Violence	The institution has determined, based on good-faith research, that Arizona law does not define the term dating violence.
Domestic Violence (Ariz. Rev. Stat. § 13.3601)	“Domestic violence” means any act that is a dangerous crime against children or one of the following offenses as prescribed in state law: negligent homicide, manslaughter, second degree murder, first degree murder, endangerment, threatening or intimidation, assault, aggravated assault, custodial interference, unlawful imprisonment, kidnapping, sexual assault, unlawful distribution of pictures depicting nudity or specific sexual acts, criminal trespass in the third degree, criminal trespass in the second degree, criminal trespass in the first degree, criminal damage, interference with judicial proceeding, disorderly conduct, intentional cruelty to animals, intentional interference or prevention of person making an emergency phone call, or use of electronic communication to terrify, intimidate, threaten or harass, harassment, aggravated harassment, stalking, surreptitious photographing, aggravated domestic violence, or child or vulnerable adult abuse, if any of the following applies: • The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household. • The victim and the defendant have a child in common. • The victim or the defendant is pregnant by the other party. • The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law. • The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant. • The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship. The following factors may be considered in determining whether the relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship: (a) The



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Crime Type	Definitions (Arizona Revised Statutes)
	type of relationship; (b) The length of the relationship; (c) The frequency of the interaction between the victim and the defendant; (d) If the relationship has terminated, the length of time since the termination.
Stalking (Ariz. Rev. Stat. § 13-2923)	A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct causes the victim to: • Suffer emotional distress or reasonably fear that either: (a) The victim's property will be damaged or destroyed; or (b) Any of the following will be physically injured: (i) The victim; (ii) The victim's family member, domestic animal or livestock; (3) A person with whom the victim has or has previously had a romantic or sexual relationship; (4) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred. • Reasonably fear death or the death of any of the following: (a) The victim's family member, domestic animal or livestock; (b) A person with whom the victim has or has previously had a romantic or sexual relationship; (c) A person who regularly resides in the victim's household or has resided in the victim's household within the six months before the last conduct occurred.
Sexual Assault	• Sexual assault (Ariz. Rev. Stat. § 13-1406): A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person. • Violent sexual assault (Ariz. Rev. Stat. § 13-1423): A person is guilty of violent sexual assault if the offense involved the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or involved the intentional or knowing infliction of serious physical injury and the person has a historical prior felony conviction for a sexual offense under this chapter or any offense committed outside this state that if committed in this state would constitute a sexual offense under this chapter.
Rape, Nonconsensual Sexual Contact, Incest, Statutory Rape	For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, nonconsensual sexual contact (fondling), incest, and statutory rape. These definitions under Arizona law are as follows: • Rape: The institution has determined, based on good-faith research, that Arizona law does not define the term rape. These crimes are prosecuted under Arizona's sexual assault statutes. See Ariz. Rev. Stat. § 13-1406, et. seq. • Nonconsensual Sexual Contact: The institution has determined, based on good-faith research, that Arizona law does not define nonconsensual sexual contact or fondling. • Incest (Ariz. Rev. Stat. § 13-3608): Persons who are eighteen or more years of age and are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other are guilty of a class 4 felony.



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Crime Type	Definitions (Arizona Revised Statutes)
	Statutory Rape: The institution has determined, based on good-faith research, that Arizona law does not define the term statutory rape. Arizona prosecutes statutory rape offenses under its "sexual conduct with a minor" statutes which prohibit "intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age." (Ariz. Rev. Stat. § 13-1405).
Other "sexual assault" crimes	Other crimes under Arizona law that may be classified as a "sexual assault" include the following: - Sexual abuse (Ariz. Rev. Stat. § 13-1404): A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast. It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen or seventeen years of age and the defendant was in a position of trust. - Sexual conduct with a minor (Ariz. Rev. Stat. § 13-1405): A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age. - Molestation of a child (Ariz. Rev. Stat. § 13-1410): A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child who is under 15 years of age.
Consent (as it relates to sexual activity) (Ariz. Rev. Stat. § 13-1401(7))	"Without consent" includes any of the following: (a) The victim is coerced by the immediate use or threatened use of force against a person or property; (b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, "mental defect" means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another; (c) The victim is intentionally deceived as to the nature of the act; (d) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.